

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PB LIFE AND ANNUITY CO., LTD.,
et al.,¹

Debtors in Foreign Proceedings.

Chapter 15

Case No. 20-12791 (LGB)

(Jointly Administered)

**ORDER CONCERNING TURNOVER OF DEBTORS' ATTORNEY FILES FROM
HUTCHISON PLLC**

The Court, upon consideration of the request of Rachelle Frisby and John Johnston of Deloitte Ltd., in their capacities as the Joint Provisional Liquidators and authorized foreign representatives (the "JPLs") for PB Life and Annuity Co., Ltd. ("PBLA"), Northstar Financial Services (Bermuda) Ltd. ("Northstar"), Omnia Ltd. ("Omnia") and PB Investment Holdings Ltd. ("PBIHL," together with Omnia, PBLA and Northstar, collectively or individually, the "Debtors"), for a conference concerning the *Order Requiring Turnover of Attorney Filed of the Debtors* [ECF No. 137] (the "Law Firm Turnover Order") and positions taken by Hutchison PLLC ("Hutchison"); and upon the conference held before this Court on May 12, 2022;

IT IS HEREBY ORDERED THAT:

1. Within five (5) days after service of this Order on Bondurant Mixson & Elmore LLP, Attn: Jason J. Carter, Esq. (carter@bmelaw.com) ("BME"), counsel appearing for Hutchison, BME shall turn over to the JPLs, through their counsel Stevens & Lee, P.C., 485 Madison Avenue, 20th Floor, New York, NY 10022, Attn: Nicholas F. Kajon, Esq. (nicholas.kajon@stevenslee.com),

¹ PB Life and Annuity Co., Ltd., Northstar Financial Services (Bermuda) Ltd., Omnia Ltd. and PB Investment Holdings Ltd., foreign Debtors, are Bermuda limited companies which each have a registered address in Bermuda c/o Deloitte Ltd., Corner House, 20 Parliament Street, Hamilton HM 12, Bermuda, and are Jointly Administered for procedural purposes, by Order of this Court entered on April 2, 2021, ECF No. 42.

Eric M. Robinson, Esq. (eric.robinson@stevenslee.com) and Constantine D. Pourakis, Esq. (constantine.pourakis@stevenslee.com) any and all documents, electronically stored information (“ESI,” as defined in Fed. R. Civ. P. 34(a)(1)(A), Local District Civil Rule 26.3 and Local Bankruptcy Rule 7026-1, inclusive of all associated metadata) or other verbal, written, or electronically stored or maintained business documents or attorney files (collectively, the “ESI/Documents”), concerning the Debtors, or the joint representation of any person or entity with the Debtors that directly or indirectly affected any Debtor’s interests connected with the joint representation. The turnover of ESI/Documents shall be made via email to Stevens & Lee, P.C. to the addresses set forth herein or, as necessary, by a document storage and transfer service as mutually agreed upon between Stevens & Lee, P.C. and BME.

2. If a jointly represented party objects to the turnover of specific ESI/Document(s) after receipt from BME because it, he, or she (or some combination thereof) contends that the ESI/Document(s) does not relate to the representation of any Debtor, the objecting party shall have fourteen (14) days from the date of turnover to specify the ESI/Document(s) to which it objects on the basis of attorney-client privilege and request a conference before this Court by electronic mail (beckerman.chambers@nysb.uscourts.gov), with a copy delivered simultaneously via email to the JPLs’ counsel specified in paragraph 1, above. Three days prior to the scheduled conference, the Joint Party shall provide to the Court and to the JPLs’ attorneys a privilege log in compliance with Local Bankruptcy Rule 7034-1(c), reasonably describing the ESI/Documents withheld.

3. With respect to ESI/Documents that BME is unable to determine involve or relate to the joint representation of the Debtors, BME shall serve on counsel for the interested parties a privilege log in compliance with Local Bankruptcy Rule 7034-1(c), including in it a reasonably detailed description of the ESI/Documents withheld to enable discernment of the ESI/Documents’

content. BME simultaneously with service of the privilege log shall provide the privilege log and ESI/Documents to the Court for its *in camera* review, and request a conference. Such request shall be made by electronic mail (beckerman.chambers@nysb.uscourts.gov), with a copy delivered simultaneously via email to the JPLs' counsel specified in paragraph 1, above.

4. The Court shall retain jurisdiction with respect to all matters arising from or related to this Order, including any enforcement of it.

Dated: **June 22, 2022**
New York, New York

/s/ Lisa G. Beckerman
UNITED STATES BANKRUPTCY JUDGE